

REMARKS

Applicants acknowledge receipt of an Office Action dated July 12, 2004. In this response Applicants have amended claims to 2-5, 9, 10, 13, 17, 20 and 25.

Applicants amended claim 5 to recite "wherein large diameter portions of at least some of the fine pores are oriented in a depth direction." Support for this amendment may be found in the specification, *inter alia*, at line 9 on page 18.

The amendments to withdrawn method claims 2-4, 9, 10, 13, 17, 20 and 25 are discussed in more detail below.

In addition, claims 19 and 30 have been canceled without prejudice or disclaimer in order to permit allowable subject matter to issue without further delay.

Following entry of these amendments, claims 1-18 and 20-29 are pending in the application.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

Telephonic Interview on October 8, 2004

Applicants acknowledge, with appreciation, the courtesies extended to their representative, Mr. Paul Strain, by Examiner McNeil during a telephonic interview conducted on October 8, 2004.

During the interview Examiner McNeil and Mr. Strain discussed the outstanding rejection of claim 30.

In addition, Examiner McNeil and Mr. Strain discussed the amendment to claim 5 set forth above, and Mr. Strain noted that the specification provided support for the amendment, *inter alia*, at line 9 on page 18.

Finally, Examiner McNeil and Mr. Strain discussed amending method claims 2-4, 9-13, 17-19 and 23-25 in order to incorporate the features of the corresponding product claims and the possibility of rejoinder under the provisions of MPEP §821.04 and *In re Ochiai*, 71 F.3d 1565 (Fed. Cir. 1995).

Claim Amendments to Withdrawn Method Claim & Request for Rejoinder

Applicants have amended (i) withdrawn independent method claim 2 to incorporate the features of allowed product claim 1, (ii) withdrawn independent method claim 9 to incorporate the features of allowed product claim 5 and (iii) withdrawn independent method claim 17 to incorporate the features of allowed product claim 14.

In addition, claims 2, 9 and 17 have been amended to recite active method steps in a manner more conventional in U.S. patent practice. Dependent method claims 3-4, 10, 13, 17, 20 and 25 have been amended for consistency with the independent claim from which each ultimately depends.

Applicants submit that entry of this amendment following final rejection does not raise new issues which would require further consideration inasmuch as the claims have been amended to incorporate subject matter already examined and deemed to be allowable.

Since method claims 2, 9 and 17, as amended, incorporate all of the features of one of allowed product claims 1, 5 and 14, Applicants hereby request rejoinder of these independent method claims as well as of dependent method claims 3-4, 10-13, 18, 20 and 23-25 under the provisions of MPEP §821.04 and *In re Ochiai*, 71 F.3d 1565 (Fed. Cir. 1995).

Formal Drawings

During a review of their file, Applicants have noted that the PTO has not yet acknowledged acceptance of the formal drawings submitted on April 3, 2002. Applicants respectfully request that the PTO acknowledge acceptance of the drawings in its next communication.

Rejections Under 35 U.S.C. § 102

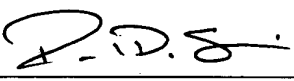
On page 2 of the Office Action, the PTO has rejected claim 30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,340,648 to Imura et al. (hereinafter "Imura"). In this response, Applicants have cancelled claim 30 without prejudice or disclaimer so that allowable subject matter can issue without further delay. Accordingly, Applicants submit that the outstanding §102 rejection is now moot.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

Date 10/12/04
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

By 
Richard L. Schwaab
Attorney for Applicants
Registration No. 25,479

Paul D. Strain
Agent for Applicants
Registration No. 47,369

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.116-1.117, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.